

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-03-281
	}	CIVIL ACTION NO. H-05-1070
JOSE MARIO MORALES-RICO,	}	
<i>Defendant-Petitioner</i>	}	

MEMORANDUM AND ORDER

Presently before the Court are Petitioner Jose Mario Morales-Rico's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 38); the Government's response and motion to dismiss (Doc. 41); and the Magistrate Judge's Memorandum and Recommendation (Doc. 42). After carefully considering the record and the applicable law, the Court concludes that Petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 should be **DENIED** and the Government's motion to dismiss should be **GRANTED**. The Court adopts the Magistrate Judge's Memorandum and Recommendation in full.

SIGNED at Houston, Texas this 9th day of February, 2007.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE